



PATENT
Attorney Docket No. AME-06352

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: William D Huse *et al.*

Serial No.: 09/434,870

Filed: 11/04/99

Entitled:

Methods of Optimizing Antibody Variable Region Binding Affinity

Group No.: 1642

Examiner: L. Helms

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KO
9/12/03


RESPONSE TO OFFICE ACTION

RECEIVED

Assistant Commissioner for Patents
Washington, D.C. 20231

AUG 01 2003

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<p align="center">CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)(1)(i)(A)</p> <p>I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.</p> <p>Dated: <u>July 29, 2003</u></p> <p>By:  Traci E. Light</p>
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Sir or Madam:

In response to the (non-final) Office Action mailed April 29, 2003, Applicants respectfully request consideration of the attached 131 Declaration (swearing behind the '693 patent). A clean version of the entire set of pending claims pursuant to 37 C.F.R. §1.121 (c)(3) is attached as Appendix I.

R E M A R K S

Applicants appreciatively acknowledge the Examiner's withdrawal of the rejection of claims 42-71 as being unpatentable over Deng. The new grounds of rejection involve the the Aruffo patent (the '693 patent). The Examiner maintains that the '693 patent is 102(e) prior art. MPEP section 715 notes the appropriateness of swearing behind a 102(e) reference in these circumstances. The attached 131 Declaration of Dr. Watkins notes that he is a co-inventor on the Aruffo patent and points out that the very sections cited by the Examiner (regarding the overlapping oligo work) track language in the present specification. In sum, it is the same work and clearly must have been completed prior to the February 1999 filing date (or otherwise could not have been included in the '693 filing). For this reason, there is no need for notebook data or the like (as noted in MPEP 715, such data is not necessary where a